

SENATE BILL 2158

By Burks

AN ACT to amend Tennessee Code Annotated, Title 66
and Title 71, relative to liens on certain property.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 71-5-116, is amended by adding the following as a new subsection:

(g) The commissioner of finance and administration is authorized to seek an amendment to the state plan for medical assistance that is required by title XIX of the federal social security act to permit the state to file a lien on an applicant's residence at the time the department makes certain determinations after an applicant enters a nursing home. The lien shall be for the value of medical assistance services for nursing home care and shall only apply to the residence of an applicant for or recipient of medical assistance from the date when the lien is filed. The bureau of TennCare shall only file a lien after determining that the individual is unable to ever return to the residence as a home. At the time that determination is made, the bureau shall provide an appeal procedure to the individual in order to contest that determination. Any lien filed pursuant to this section shall dissolve at the time the individual is discharged to return home to the residence. The bureau shall determine by rule the criteria for deciding the time at which the determination that an individual is unable to ever return to the residence as a home.

SECTION 2. Tennessee Code Annotated, Section 71-5-116(b), is amended by deleting the "No" at the beginning of the subsection and by substituting instead the language "Subject to the provisions of subsection (g), no".

SECTION 3. This act shall take effect July 1, 2007, the public welfare requiring it.